

Please add new claims 51-53 as follows:

51. (New) The isolated or recombinant polynucleotide of Claim 9, in a sterile composition.
52. (New) The isolated or recombinant polynucleotide of Claim 9, synthetically produced.
53. (New) The isolated or recombinant polynucleotide of Claim 9, that encodes an antigenic polypeptide having at least 12 <sup>contiguous</sup> amino acid residues.

Cl. 54 Restate 48/51  
 55 " 152  
 56 " 153

#### Remarks

Applicants respectfully request examination and consideration of the newly amended claims and reconsideration of the application in view of the following.

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- I. Status of the Application
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#### I. Status of The Application

Claims 1-43 are pending. Claims 9-12, 17-20, and 23-42 were acknowledged as allowable if the rejections under 35 U.S.C. §112, ¶1 and 2 were overcome. Applicants believe that the newly amended claims are fully supported and introduce no new matter. Attached, for the Examiner's convenience, is a listing of the revised claims. Applicants believe no new issues are raised in the presently pending claims and respectfully request examination of the newly amended claims.

#### II. The Invention

The present invention is based, in part, upon the discovery of a family of polypeptides that appear to act as a costimulator of T cell activation. In particular, the invention provides mammalian, e.g., rodent and primate, polynucleotide sequences that are expressed in the thymus, and are induced on T cells and spleen cells following activation.

### III. The Amendments

The present amendments represent implementation of the discussions Applicants' representatives had with the Examiner on 17-AUG-99. Applicants thank the Examiner for her help and consideration.

Support for various hybridization temperatures and salt concentrations can be found at page 11, lines 13-16; page 14, lines 17-18; and page 37, lines 20-23. Per the Examiner's suggestion, Applicants replaced the phrase "wash conditions" with the phrase "hybridization conditions." In conversation with the Examiner, Applicants received approval to split the Markush format of allowable claim 47 into separate New Claims 51-53. Claim 30 was amended removing the natural and species variants of SEQ ID NO: 2 or 4, however part (a) was kept. Support for conservative substitutions can be found, e.g., at page 7, line 10, bridging to page 8, line 21.

### Conclusion

Applicants maintain that presently amended and newly presented claims (Claims 9, 11-12, 17-20, 23-26, 28-53; Appendix A) clearly and patentably define the invention. Accordingly, Applicants respectfully request reconsideration and passage of these claims to allowance at the earliest possible convenience.

Should the Examiner deem allowance inappropriate, Applicants respectfully request an interview be granted with the undersigned representative to discuss the issues. If the Examiner would like to discuss any point raised in the Office Action, Applicants' representative may be reached at (650) 496-1244.

Respectfully submitted,

Dated: August \_\_\_\_, 1999

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Enclosures and attachments:

Appendix A- Proposed claims as of AUGUST 1999

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